

**FINDING OF NO SIGNIFICANT IMPACT  
AND  
DECISION RECORD**

**KINDER MORGAN CO<sub>2</sub> COMPANY'S PROPOSED DEVELOPMENT OF  
WELL SITES HC-4, YD-4 AND ASSOCIATED INFRASTRUCTURE**

**BLM Canyons of the Ancients National Monument  
EA# CO-SJPLC-03-42EA**

**Finding of No Significant Impact:** Based on the analysis of potential environmental impacts contained in the attached environmental assessment (EA), I have determined that the Proposed Action will not have a significant impact on the human environment and that an environmental impact statement is not required.

**Decision:** It is my decision to authorize the Proposed Action as described in EA# CO-SJCO-03-42EA. Under this alternative, Kinder Morgan will drill two wells (i.e., HC-4 and YD-4) to develop CO<sub>2</sub> gas reserves on public land in Canyons of the Ancients National Monument (Monument). Total surface disturbance for the two well pads and roads is 7.5 acres. The project area is located approximately 15 to 20 miles west and northwest of Cortez, Colorado within the northern portion of the Monument.

This decision is contingent on Kinder Morgan meeting all conditions of approval, stipulations and monitoring requirements listed below.

*Conditions of Approval and Stipulations:* 1) commitments identified in the Application for Permit to Drill; 2) Bureau of Land Management (BLM) standard practices applied to surface-disturbing activities; 3) surface use conditions of approval in Appendix C (includes mitigations identified in EA); and 4) the BLM and Forest Service temporary fire restrictions in Appendix D.

*Monitoring:* The project will be inspected according to BLM monitoring protocols. The inspections will be designed to monitor environmental effects of the project and to insure that the operator complies with the conditions of approval and stipulations identified above. Compliance actions are to insure that these operations are conducted in accordance with the terms and conditions of the approval and associated stipulations, the elements of the Proposed Action (i.e., applicant committed practices), BLM standard practices applied to surface-disturbing activities and the mitigation measures otherwise listed in the EA. An archaeologist will continuously monitor operations to assure site avoidance and compliance with other protective conditions for cultural resources.

**Rationale for Decision:** The decision to authorize Kinder Morgan to drill two new wells (i.e., HC-4 and YD-4), as described in the Proposed Action, has been made in consideration of the impacts to the affected resources. The Proposed Action minimizes surface disturbance

associated with well construction, by selecting locations in close proximity to existing CO<sub>2</sub> gathering and access infrastructure. This decision allows Kinder Morgan to develop CO<sub>2</sub> gas reserves in the McElmo Dome Field, as granted through valid existing leases.

The action is in conformance with the 1985 San Juan/San Miguel Resource Management Plan (RMP). Furthermore, the action will not create any new impacts that interfere with the proper care and management of objects protected by the June, 2000 Presidential Proclamation establishing the Monument. Last, this decision considered the EA errata sheet located in Appendix A.

The No Action Alternative was not selected because it does not recognize Kinder Morgan's valid existing right to develop CO<sub>2</sub> gas reserves in the McElmo Dome Field. A Directional Drilling Alternative was considered, but eliminated from detailed consideration in the EA, due to down-hole (i.e., geologic) uncertainties that make directional drilling a high risk for failure.

Per the provisions of 43 CFR 3151(b), this decision is full force and effect.

**Public Involvement:** Notification of the availability of the EA, for a 30-day public comment period, was made through the Monument website on May 12, 2003, the Cortez Journal on May 17, 2003 and Durango Herald on May 15, 2003. In addition, the notification was included in the 2003 June, July and August edition of the Schedule of Proposed Actions publication for the Monument. This publication was mailed to approximately 300 contacts, including local and state government, conservation organizations, media, industry and interested individuals.

All public comments received during the 30-day public comment period were reviewed and considered. A summary of comments received, along with agency responses are provided in Appendix B.

**Administrative Review and Appeal:** This decision is subject to administrative review in accordance with 43 CFR §3165. Any request for administrative review of this decision must include information required under 43 CFR §3165.3(b) (State Director Review), including all supporting documentation. Such a request must be filed in writing with the State Director, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215. The request for administrative review must be filed within 20 business days of the date this Decision Record is received or considered to have been received.

Any party who is adversely affected by the State Director's decision may appeal that decision to the Interior Board of Land Appeals, as provided in 43 CFR §3165.4.

---

Monument Manager  
Canyons of the Ancients National Monument

---

Date

Errata Sheet

Corrections to EA# CO-SJPLC-03-042EA

**Entire document** – All referenced appendices should be renumbered to reflect the addition of Appendix A – Errata Sheet and Appendix B - Response to Public Comments on EA # CO-SJPLC-03-042. For example, the Preliminary EA Appendix A will be changed to Appendix C in the EA.

**Page 48, Section 3.3.8** – For clarification, the last sentence in this section is changed to read: “Noise impacts are expected to decrease significantly during long-term operation and maintenance and would be dependant on the type and size of compressor or pumping equipment installed at the well (if any) to increase production of CO2 gas. Operational impacts would be low and long-term.

**Page 50, last sentence at bottom** – The EA incorrectly identifies 4 proposed wells rather than the actual 2. The sentence is changed as follows: “Therefore, the addition of Kinder Morgan’s 2 proposed wells is within the number of wells planned for in the RMP and 1991 amendment.”

**Page 49, Section 3.3.8.2** – For clarification, the only sentence in this section is changed to read: “Mufflers will be utilized on all equipment during construction activities to mitigate short-term noise impacts. Hospital grade mufflers will be utilized to mitigate long-term production noise should any compression equipment be necessary.”

**Page 50, Section 3.3.11.2** – The second sentence is changed as follows: “Noise impacts on recreation will be reduced through the use of mufflers on equipment during construction activities, and the use of hospital grade mufflers on production equipment should any compression be necessary.”

**Response to Public Comments on EA# CO-SJPLC-03-042EA**

Comments made during the 30-day public review of the above EA and BLM's responses are as follows:

**1. Page 48, Section 3.3.8 - Reference to natural gas rather than CO2 production**

Refer to errata sheet correction.

**2. Page 50, Last sentence - Conflicting number of wells described, 2 versus 4**

Refer to errata sheet correction.

**3. Clarify and reconsider critical elements versus non-critical element**

One comment requested clarification on the use of the terms “critical elements” versus “non-critical elements” and requested that the EA reconsider particular non-critical elements (visual and recreational resources) due to the importance of these resources to the Monument.

A description of “critical elements” is provided in Appendix 5 of the BLM NEPA Handbook (H-1790-1), Critical Elements of the Human Environment. Basically this appendix is a list of elements of the human environment that are subject to requirements specified in statutes or executive orders and must be considered in all BLM environmental assessments (EAs) and environmental impact statements (EISs). Accordingly, they are considered “critical elements” as they must be addressed in NEPA documents.

Visual and recreational resources are not recognized in the BLM NEPA Handbook as “critical elements” because they are not specified by statute, regulation or executive order for inclusion in NEPA documents. These resources were addressed in this EA, as a result of BLM specialists determining that potential impacts could occur to them.

**4. Mitigation measures frequently do not address actual impacts**

Potential impacts disclosed in the EA were mitigated to the extent possible. Furthermore, the description of using mufflers on construction and production equipment to mitigate noise has been clarified (refer to Appendix A, errata sheet corrections for pages 49 and 50).

**5. Clarify and state reclamation pad standards**

Reclamation standards are identified in the surface use conditions of approval in Appendix C.

**6. The cumulative impact analysis within the EA did not use a geographic boundary, coincidental to the Monument boundary.**

The Cumulative Impacts section of the EA (Page 50), references the San Juan/San Miguel RMP and its 1991 Oil and Gas Amendment. The cumulative impact analysis in the amendment identifies its geographic and temporal boundaries as the San Juan/San Miguel Planning Area and 20 years (i.e., 2009), respectively. The Monument is located within the San Juan/San Miguel Planning Area, and therefore is covered under this analysis. The conclusion of the cumulative impact analysis, performed in the 1991 Oil and Gas Amendment, was that “most environmental components would be impacted similarly, but not significantly.” The conclusion of the analysis performed in this EA was that “cumulative impacts are expected to be low and in conformance with the RMP and 1991 Oil and Gas Amendment.”

The Monument is currently in the process of developing its first resource management plan. Cumulative impact analysis performed in the environmental impact statement for this plan will define its geographic boundary coincidental to the Monument boundary.

**7. Cumulative impacts on grazing allottees from reductions in AUMs and drought effects and compensation**

One comment stated that the cumulative effects of the Proposed Action on grazing permittees are not adequately addressed. This comment was submitted in response to the EA statement that BLM could consider a reduction in AUMs to maintain forage (Page 47). The comment also questioned whether compensation would be offered to grazing permittees for their losses.

The BLM considers the cumulative impact of the proposed wells on range resources to be low in part due to the large size of the allotments (i.e., approximately 3,325 acres) compared to the short-term loss of approximately 6 acres of forage. Additionally, the Proposed Action would be constructed within mature pinyon-juniper woodland areas. The clearing of the project areas and eventual reclamation and seeding of the sites will result in an incremental increase in available forage for the allotments over time (seeded openings versus pinyon-juniper woodland).

**8. Is fire planning addressed**

While not expressly identified in the EA, pursuant to Title 16 United States Code, Section 551 and 36 CFR 261.50 (a) and (b), 36 CFR 261.52, 43 CFR 9212.1, and/or 43 CFR 9212.2, the Bureau of Land Management and the U.S. Forest Service have issued Interagency Order #SJ-2003-04 placing temporary fire restrictions are in effect throughout the restricted area, which is known as Zone 1, the Lower-Elevation Zone, within Archuleta, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Rio Grande, and San Miguel Counties within the State of Colorado, from 9:00 a.m. June 27, 2003 until rescinded or until December 31, 2003, whichever occurs first. Zone 1 encompasses all lands managed by the BLM - San Juan Public Lands Center, including Canyons of the Ancients National Monument. The oil and gas industry is subject to these restrictions.

**9. Explain cross-connection and dewatering of aquifers**

One commenter requested that the “buzz” words cross-connection and dewatering be defined. In the context of the proposed action, drilling operations can cause groundwater from one aquifer to enter into another aquifer, or to cross-connect. Similarly, cracks or fissures created in geologic strata during drilling can result in groundwater from an aquifer draining out of the aquifer, or dewatering the aquifer. These potential impacts are minimized, as the BLM requires that wells penetrating fresh water zones to be cased and cemented.

## **Surface Use Conditions of Approval**

### **HC-4 and YD-4 Kinder Morgan**

Approval of the APD is subject to all terms and conditions set forth in the APD surface use plan, and the following conditions of approval, which take precedence.

#### **CONSTRUCTION AND DRILLING:**

1. The operator or his contractor will contact the authorized officer at the San Juan Public Lands Center in Durango, Colorado (970) 247- 4874, 48 hours before beginning any work; and before beginning any reclamation.
2. Monitor all ground disturbing activities using a BLM approved archaeologist.
3. Cease all activity in the vicinity of cultural resources. If subsurface cultural resources are unearthed during construction, notify a BLM representative immediately. Contractors conducting work on the site will be briefed on procedures to follow if artifacts are uncovered and the potential consequences of knowingly desecrating cultural sites. The operator will conduct tailgate briefings, notifying all site workers that removing cultural artifacts is a crime.
4. Install temporary fence to protect cultural sites. The fences will be removed after site reclamation.
5. Immediately cease operations if cultural sites are unearthed during construction until SHPO consultation is completed and mitigation measures determined. A BLM archaeologist may inspect the construction site during the initial earth-moving phase to ensure that tailgate briefings are being conducted, to inspect the fencing and to ensure that the monitor is present during the construction phase.
6. Conduct a follow-up visit by BLM archaeologist to assess the need for locking access gates or other mitigation measures to prevent degradation of the resource.
7. Confine construction activities to the proposed well pads, access roads and well-tie pipeline rights-of way to avoid potential impacts to TES species possibly occurring outside the area surveyed during the biological survey.
8. Should any T&E species be identified during construction or operation of the proposed project, other than occasional incursions by T&E raptors, BLM resource specialists shall be contacted immediately. All raptor nests will be immediately reported to BLM

resource specialists to determine whether they are active nest sites, and for species identification and mitigation measures, if required.

9. Post signs on the proposed project facility that identify potential hazards associated with its operation including chemical hazards. Material Safety Data Sheets for any treatment chemicals will be maintained on site during the construction phase. Equipment operators will be required to wear appropriate personal protective equipment to minimize exposure to these hazards.
10. Kinder Morgan will provide public notices, signs, detours, and precautions and/or warning necessary to protect health and safety to the public.
11. Construct a 1-foot earth berm around the perimeter of the well location during the drilling and work over phase of the operation to contain any accidental spill of motor fuel. The well pad will be designed in such a manner as not to allow runoff water to enter the pad.
12. After vegetation clearing, remove slash from drainages and stockpile for reclamation.
13. Re-seed disturbed areas with a BLM approved seed mix to stabilize soils and prevent erosion. Re-vegetation would follow immediately after drilling operations and pipeline construction are complete. Seed reclamation areas with the following seed mix:

Common Name	Species Name	Variety	PLS #/acre	Seeds/ sq ft./ #	Seeds/ sq ft.
Indian ricegrass	Achnatherum hymenoides	Rimrock	15	3.2	48.6
Galleta	Hilaria jamesii	Viva, florets	2	3.7	7.3
Bottlebrush squirreltail	Elymus elymoides	Bottlebrush	2	4.4	8.8
			19	64.7	

Recommended seeding rates are 120 to 160 seed/sq ft. if broadcast, half that if drilled or raked.

14. Kinder Morgan shall repeat seeding should re-vegetation attempts fail.



15. Build water bars as follows to control erosion:

<b>Grade</b>	<b>Spacing</b>
2%	Every 200 feet
2-4%	Every 100 feet
4-5%	Every 75 feet
5+%	Every 50 feet

16. Contain releases of hazardous substances or fuels during construction and operation and disposed in accordance with State and Federal regulations. Personnel working at the site should be informed of spill control procedures in accordance with a written plan.
17. Any waste generated at the locations would be removed from the sites for appropriate disposal in accordance with State and Federal regulations. Releases of hazardous substances, chemicals, or fuels will be contained and disposed in accordance with State and Federal regulations.
18. Stockpile stripped topsoil and vegetation for subsequent reclamation of unused areas of the well pads.
19. Stockpile pinyon and juniper trees that are removed from the well pad site for use in the initial reclamation of the well pad site. During rehabilitation, scatter the large woody material across the area to provide shade and wind shelter for the reseeded area. Scatter pinyon and juniper trees along the road right of way (not piled), no more than one tree high, where they occur along the length of the route. If there is excess tree material it will be removed from the area or chipped. If the road is abandoned, scatter the woody material across the route after it is reshaped and seeded.
20. The operator will avoid biological soil crusts wherever possible and reduce the potential for soil compaction by minimizing vehicle passes over the same piece of ground. Kinder Morgan will not spin the tires of the vehicles to avoid loss of cryptogammic soils.
21. Collect and stockpile in a protected area on site, prior to any other activity on the well pad site, 2 to 3 inches of the soil surface with well developed microbiotic crust. This crust material will be used to re-inoculate the initial reclamation area with microbiotic crust material. After the surface is reshaped and ready for seeding the crust material will be scattered as the final layer of soil.
22. Clean all machinery with a high-pressure sprayer prior to entering the project area to remove noxious weed seeds. The project area will be inspected for noxious weeds for

two years following construction. If any noxious weeds are found they will be treated and the area monitored for at least two years following treatment. Re-treatment of weeds will continue until they no longer exist on the project area.

23. Re-contour disturbed areas to blend as nearly as possible with the natural topography. This includes removing all berms and refilling all cuts. Re-vegetation procedures would assist in minimizing visual disruption. All permanent structures (onsite for six months or longer) constructed or installed will be painted a flat, non-reflective earth tone color, which will be Carlsbad Canyon (refer to the Munsell Soil Color Chart).
24. Retain trees and shrubs that provide a natural visual buffer between the public roads and the wells to the extent feasible.
25. The roads shall be wetted down and compacted where needed to avoid dust and loss of soil. If production is achieved, permanent roads will be maintained as outlined in the oil and gas Gold book to reduce erosion. BLM may require culverts, if erosion or road damage is not well controlled by initial construction.
26. The reserve pit will be sealed in such a manner as to prevent leakage of the fluids. Methods available to insure containment of drilling fluids in the reserve pit include lining the inside of the pit with at least 10 mil plastic. If a plastic liner is used, the bottom of the pit shall be smooth and free of any sharp rocks. If the pit has a rocky bottom, it shall be bedded with a material such as soil, sand, straw or hay to avoid the possibility puncturing the liner. A minimum of not less than a 2-foot freeboard will be maintained in the pit at all times. All oil or floating debris will be removed from the pit immediately after the drilling phase or the well.

## **PRODUCTION:**

1. Noxious weeds, which may be introduced due to soil disturbance or reclamation, will be treated by methods to be approved by the Authorized Officer. These methods may include biological, mechanical or chemical treatments. Should chemical or biological treatment be requested, the operator must submit a Pesticide Use Proposal to the Authorized Officer 60 days prior to the planned application date.
2. The roads shall be maintained reasonably smooth, and free of ruts, soft spots, chuckholes, rocks, slides and washboards.

The BLM, San Juan Resource Area road specifications and "Gold" book shall be followed for specifications on road design and culvert installation. All weather surfacing will be required if well becomes a producer. A regular maintenance program shall include blading, ditching, sign replacement, surfacing, and culvert maintenance. The operator is required to correct maintenance deficiencies when documented and directed by the Authorized Officer. All vehicles servicing the well are restricted to use of the approved access road and well pad.

3. All production equipment shall be equipped with hospital type mufflers. Regardless of whether the operation is at the construction, drilling, or production phase, if the BLM

determines that noise has become a nuisance, adequate muffling techniques will be applied.

4. Accidental spills will be cleaned up immediately, and contaminated soils will be removed to a State Permitted disposal site. BLM reporting procedures will be followed.
5. The reserve pit and that portion of the location and access road not needed for production or production facilities will be reclaimed as described in the reclamation section. Enough topsoil will be kept to reclaim the remainder of the location at a future date. This remaining stockpile of topsoil will be seeded in place using the prescribed seed mixture.
6. Compaction and construction of the berms surrounding the tank or tank batteries will be designed to prevent lateral movement of fluids through the utilized materials, prior to storage of fluids. The berms must be constructed to contain at a minimum 120 percent of the storage capacity of the largest tank within the berm. All load lines and valves shall be placed inside the berm.
7. No gravel or other related minerals from new or existing pits on Federal land will be used in construction of roads, well sites, etc., without prior approval from the Surface Managing Agency.

#### **RECLAMATION:**

1. If production is established, unused portions of the drill pad will be re-contoured, topsoil spread, and reseeding accomplished per BLM requirements. Stockpiled vegetation will be placed over the re-contoured portions of the well pad to aid in re-growth.
2. Immediately on completion of drilling, all trash and debris will be collected from the location and the surrounding area. All trash and debris will be disposed of in a mesh wire trash cage, and removed to an approved sanitary landfill.
3. Before any dirt work to restore the location takes place, the reserve pit must be completely dry. Any water remaining in the reserve pit should be disposed of in an approved disposal facility. All enhanced evaporation of the reserve pit fluids shall have prior approval of the authorized officer. The reserve pit must be reclaimed within 12 months (but no later than the following August 31) from the date the well is spudded. Before reclamation of the reserve pit proceeds, it will be dry and solid. This can be accomplished naturally or by artificial solidification. The reserve pit solids will not be squeezed out of pit. The liner shall be cut off at the mud level and removed to an approved disposal site. There will be a minimum of 2 feet of overburden on the pit prior to replacing the topsoil and seeding.
4. If the seed is broadcast, some means such as a rake or harrow will be used to incorporate the seed into the soil. Certified weed free mulch may be required on locations with an inadequate supply of removed vegetation. In the event grasses and native vegetation is not established after the first seeding application, subsequent applications will be required until grasses and/or native vegetation is established.
5. Reclamation will be considered successful when the desired vegetative species are

established, erosion is controlled, weeds are considered a minimal threat, and it is likely that ground cover will return to a desirable condition. The operator will continue re-vegetation efforts until this standard is met.

6. The re-seeded well pads will be fenced for 2 years to improve site reclamation and to prevent cattle from entering the well pad.

**BUREAU OF LAND MANAGEMENT and FOREST SERVICE  
TEMPORARY FIRE RESTRICTIONS  
Interagency Order # SJ-2003-04**

Pursuant to Title 16 United States Code, Section 551 and 36 CFR 261.50 (a) and (b), 36 CFR 261.52, 43 CFR 9212.1, and/or 43 CFR 9212.2, the following restrictions are in effect throughout the restricted area, which is known as Zone 1, the Lower-Elevation Zone, within Archuleta, Dolores, Hinsdale, La Plata, Mineral, Montezuma, Rio Grande, and San Miguel Counties within the State of Colorado, from 9:00 a.m. June 27, 2003 until rescinded or until December 31, 2003, whichever occurs first.

Zone 1 encompasses all lands managed by the BLM - San Juan Public Lands Center (including Canyons of the Ancients National Monument) except those in San Juan, Montrose, and Ouray Counties, and the following portion of the San Juan National Forest, as displayed on the attached map. This "San Juan Public Lands map" is also available at the following website address: [http://www.fs.fed.us/r2/sanjuan/bulletin\\_board/Zone\\_1\\_Description.htm](http://www.fs.fed.us/r2/sanjuan/bulletin_board/Zone_1_Description.htm).

All San Juan National Forest lands within a boundary formed by the following line: Beginning on the east side of the San Juan National Forest at Wolf Creek Pass (boundary between San Juan and Rio Grande National Forests) running south along the Continental Divide to the South San Juan Wilderness boundary at Elwood Pass, then west and south along the Wilderness Boundary until you reach Navajo Peak, then following the San Juan National Forest boundary down to its southern edge, then west along the national forest boundary to McPhee Reservoir (north of Cortez), then continuing north and west along the National Forest boundary roughly parallel to the Dolores River to the northwestern corner of the San Juan National Forest, then east, below Disappointment Creek, then south and west to a point near Benchmark Lookout, then south and east to the intersection with Forest Road 526 (Dolores-Norwood Road), then south and east along Road 526 to its intersection with Forest Road 532 (Cottonwood Road), then east along Road 532 to its intersection with Forest Road 535 (West Dolores Road), then south along Road 535 to its intersection with State Highway 145, then east along Highway 145 to its intersection with Forest Trail 610 (Morrison Trail), then south along Trail 610 to its intersection with Forest Road 556 (Rock Springs Road), then east along Road 556 to its intersection with Forest Road 561 (West Mancos Road), then south along Forest Road 561 to its intersection with Forest Road 350 (Spruce Mill Road), then east along Road 350 to its intersection with Forest Road 346 (Twin Lakes Road), then easterly along Road 346 to the Sharkstooth Trailhead, then east along Trail 622 (Sharkstooth Trail) to its intersection with Trail 607 (Highline Trail), then east along Trail 607 to its intersection with Trail 520 (Colorado Trail) over Kennebec Pass to Forest Road 171N (Champion Venture Road), then east along Road 171N to its junction with Forest Road 171 (Junction Creek Road), then north along Rd 171 to its intersection with Trail 550 (Clear Creek Trail – east side of parking area) to its junction with Trail 514 (Hermosa Creek Trail), then south along Trail 514 to its intersection with Trail 516 (Dutch Creek Trail), then northeasterly along Trail 516 to its intersection with Trail 522 (Pinkerton-Flagstaff Trail), then along Trail 522 to its intersection Nary Draw, then easterly along Nary Draw to its intersection with Highway 550,

then across Hwy. 550 to the Haviland Lake Road and east along this road to the west side of Haviland Lake, then along the west side of Haviland Lake to the north end of the lake, then along the national forest boundary on the south and east side of Electra Lake to Little Cascade Creek, then east along Little Cascade Creek to the Animas River and north along the river until the intersection with Trail 511 (Purgatory Flats Trail), then east to the westernmost tip of the Weminuche Wilderness boundary on the south side of the Animas River, then in an easterly direction along the Wilderness boundary to Wolf Creek Pass on the Continental Divide.

The following are PROHIBITED within the restricted area (Zone 1, the Lower-Elevation Zone):

- 1) Building, maintaining, attending or using a fire, campfire, coal or wood burning stove fire, any type of charcoal-fueled broiler or open fire of any type [36 CFR 261.52(a), 43 CFR 9212.2(a)].

EXCEPT: Fires are allowed in constructed, permanent fire pits or fire grates within recreation sites other than in the Sage Hen area north and west of McPhee Reservoir, and petroleum-fueled stoves, lanterns, or heating devices are allowed.

- 2) Smoking [36 CFR 261.52(d), 43 CFR 9212.2(a)].

EXCEPT: within an enclosed vehicle or building, in a developed recreation site or while stopped in an area at least 3 feet in diameter that is barren or cleared of all flammable material.

- 3) Using an explosive (i.e.: fireworks, blasting caps or any incendiary device which may result in the ignition of flammable material) [36 CFR 261.52(b), 43 CFR 9212.2(a)].
- 4) Welding, or operating an acetylene or other torch with open flame [36 CFR 261.52(i), 43 CFR 9212.2(a)].
- 5) Operating or using any internal or external combustion engine without a spark-arresting device properly installed, maintained and in effective working order meeting either USDA Forest Service Standard 5100-1a (as amended); or appropriate Society of Automotive Engineers (SAE) recommended practice J335(b) and J350(a) [36 CFR 261.52(j) and 43 CFR 9212.1(h)].

Pursuant to 36 CFR 261.50(e), 43 CFR 9212.2(b)(3), and 43 CFR 9213(a), the following are exempt from restrictions #1, #3, and #4 of this Order. There are no exemptions to restrictions #2 and #5.

1. Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.
2. Persons with a permit specifically authorizing the otherwise prohibited act or omission (A letter signed by either the Forest Supervisor/Center Manager or one of the District

Ranger/Field Office Managers for the San Juan Public Lands that specifically addresses Interagency Order SJ-2003-04 and that provides an exception to one or more of these restrictions) or an approved Sundry Notice or Application for Permit to Drill (APD).

These restrictions are being implemented because of high fire hazard conditions in the restricted area.

Done at Durango, Colorado  
This 25<sup>th</sup> day of June, 2003.

/s/ Mike Znerold

---

Mike Znerold  
Acting Forest Supervisor, San Juan National Forest  
Acting Center Manager, San Juan Public Lands Center, BLM

Violation of Title 36 Code of Federal Regulations (“36 CFR”) prohibitions are punishable as a Class B misdemeanor, by a fine of not more than \$5,000 for an individual or \$10,000 for a legal entity other than an individual, or imprisonment for not more than six (6) months, or both [16 USC § 551 and 18 USC 3571]. Violations of 43 CFR 9210 prohibitions are punishable as a Class A misdemeanor by a fine of not more than \$100,000 for an individual or \$200,000 for an organization and/or up to 12 months imprisonment. [43 CFR 9214.4 and 18 USC 3571]